



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0236	Title:	Abolish death penalty
Primary Sponsor:	Wanzenried, David E	Status:	As Introduced

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund				
Revenue:				
General Fund				
Net Impact-General Fund Balance:				

Unable to Quantify

Description of fiscal impact:

The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime that cannot afford to hire counsel as per 47-1-111, MCA. In certain cases a client is charged with a crime that if convicted, the state is recommending that the death penalty apply. The impact to the office workload, due to the elimination of the death penalty cannot be quantified. Death penalty cases may also take more time and have more outside expenses for the Department of Justice. In addition, a negative fiscal impact would arise from the cost per day of housing an inmate serving a life sentence versus the cost of execution.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. There are currently two inmates on death row at Montana State Prison. The average number of years spent on death row for these inmates is 21.33 years.
2. The estimated cost of an execution is \$49,500 based on the cost of the last execution.
3. Because of the appeal process, it is unlikely that any executions will occur in the 2011 biennium.

Office of the State Public Defender

4. The Office of the State Public Defender (OPD) is currently paying the post conviction costs on one death penalty case.
5. Outside attorney costs are often required for death penalty cases at a cost of \$120 per hour vs. \$60 per hour for non death penalty cases.
6. There are also ‘death penalty’ training courses that are required by law and any attorney that litigates one of these cases has to be ‘death penalty’ certified.
7. Given the dynamic nature of caseload in the OPD office, the overall impact of the elimination of the death penalty is unknown.

Department of Justice

8. There was no information provided regarding fiscal impact for the cost of litigating death penalty appeals so none is shown. The agency stated that there is no tracking of staff attorney time involved on death penalty appeals but acknowledge that those cases are considerably more costly than “normal” cases as they do require more staff attorney time.

Long-Term Impacts:

1. The average length of time from sentencing to execution is 18 years.
2. The average life expectancy for males is currently 75.15 years.
3. The average age of the two inmates on death row is 48.5.
4. If the death penalty were abolished, the Department of Corrections would incur the cost of incarcerating two individuals for an average of 26.8 years (life expectancy/less age at incarceration of current death row inmates/less time already served).
5. General fund cost for the incarceration of a male inmate is approximately \$33,592 per year.

Sponsor's Initials

Date

Budget Director's Initials

Date